A Posse of Masked Horseman or an Army of Lawyers: Explaining Divergent Community Reactions to Low-Level Radioactive Waste Disposal Facilities

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In 1989 the New York State Low-Level Radioactive Waste Siting Commission selected candidate sites in Allegany and Cortland County to host a low-level radioactive waste facility. Both counties mounted vigorous opposition to the facility. During the episode of contention the Allegany opposition organized a series of large-scale disruptive civil disobedience events. In contrast, the Cortland opposition coordinated a predominantly conventional approach with lobbying and litigation. This contrast is even more striking in view of similarities between the two counties on key demographic characteristics, political variables, measures of social capital and issue framing. I argue that the important difference between these two cases lies in the way the respective county governments responded to the siting proposal. In Cortland County local government officials coordinated opposition with local activists, sharing resources and planning a common strategy that ultimately led to a conventional response. In Allegany County local government officials were slow to act and unwilling to join in a common effort with local activists. This led to distrust between government officials and activists despite their common opposition to the siting proposal. Ultimately the local Allegany activists pursued a radical civil disobedience strategy of opposition. Finally, I extend my findings to four additional cases of low-level radioactive waste site proposals in North Carolina.

In 1988 holiday shoppers on Main Street in the small city of Cortland, New York were greeted with signs that read "MERRY CHRISTMAS & HAPPY NU-CLEAR." Concerned citizens printed and distributed the signs in response to the December 20th revelation that Cortland County, along with a handful of other rural New York counties, was on a list of candidate areas to host a low-level radioactive waste (LLRW) disposal facility. Nine months later the New York State Low-Level Radioactive Waste Siting Commission compiled a "short list" of 5 potentially suitable sites. Three of these sites were in Allegany County and the remaining two were in Cortland County. The residents in both of these counties expressed nearly universal opposition to the facility and both communities mounted an intense and sustained campaign of collective action against the Siting Commission. During the 233 days that began when residents first learned their county was on the short list for a LLRW site and ended when the governor stopped on site inspections, both counties generated 85 collective action events of opposition, or one event every 2.74 days. This figure places these counties in a tie for the most frequent collective opposition generated among all U.S. counties facing LLRW siting proposals in the late 1980s and early 1990s.³

Yet the forms of contention activists employed in these two communities differs significantly. Allegany County opposition forces pursued a well-organized and disruptive campaign of civil disobedience that successfully kept state officials from surveying the land.

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² These figures were gathered from event analysis of the local daily papers distributed in each county (The *Cortland Standard* and the *Olean Times Herald*). A "collective act of opposition" includes rallies, protests, public meetings, letter writing campaigns, petition drives, coordinated lobbying, and lawsuits brought by more than one person.

³ This paper is part of a larger quantitative project that considers 21 counties in 11 states that were on a short list for a LLRW site in response to the LLRW Policy Act of 1980 and LLRW Policy Amendment Act of 1985.

Cortland County opposition shied away from disruption and focused instead on conventional forms of opposition such as public meetings, rallies, lobbying and legal action. Part I of this paper establishes these key differences. In Part II of this paper I examine explanatory variables commonly associated with different forms of contention. I find that the two counties are remarkably similar along a wide range of variables including demographic factors, political variables, measures of social capital, and categories of issue frames. This section establishes the insufficiency of these common explanations for different forms of contention across communities.

I argue that the key explanatory difference between Allegany and Cortland County lies in the process by which the respective county government officials responded to the siting proposal in these two communities. Both counties were officially opposed to the siting. However the Cortland County officials worked with local activists, actually hiring several activists to coordinate opposition, and providing funds in excess of \$1 million to oppose the site. This resulted in a unified strategy that embraced conventional and generally non-disruptive events. In Allegany County local government officials were slow to act and unwilling to join in a common effort with local activists. This led to distrust between government officials and activists despite their common opposition to the siting proposal. Ultimately the local Allegany activists pursued a radical civil disobedience strategy that captured the support of the citizenry at large. I conclude with an extension of this argument as it applies to four counties facing LLRW site proposals in North Carolina.

PART I: CONTRASTING FORMS OF CONTENTION, DISRUPTIVE vs. CONVENTIONAL

The character of the opposition in these two counties was very different. The high point of the opposition in Allegany County was a dramatic protest event that culminated in a confrontation between New York State Troopers advancing on foot and masked protesters mounted on horse back. Both the protesters and the State Troopers sustained injuries during the confrontation. The event successfully prevented the Siting Commission from gaining access to inspect the land and ultimately moved the governor to halt work on the sites. The high point of the Cortland County opposition came when actions they initiated and supported led to a U.S. Supreme Court decision and a New York State law that eliminated the incentive and complicated the siting process of any similar facility in the future.⁴

These snapshots of successful opposition in each county represent the different forms of contention that activists in each county employed. Activists in Allegany County quickly adopted a disruptive strategy of intense civil disobedience confrontations with state officials. The Cortland County community was much more hesitant to employ such a strategy. Allegany had nearly twice as many disruptive protest events as Cortland over the same time period, while Cortland exhibited a significantly larger percentage of conventional collective events than Allegany (see Table 1).

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⁴ State of New York et al. v. United States of America. 1992. 505 U.S. 144.

Table 1: Comparison of Cortland and Allegany County by Type of Collective Events Opposing LLRW Siting over the Same 233 Day Period⁵

County	Protest Events	Conventional Events	Total Collective Opposition Events
Allegany	31%	69%	85
	(26)	(59)	
Cortland	16%	84%	85
	(14)	(71)	

The arrest counts in the two counties present greater evidence of a different character of opposition. The Allegany protest events resulted in 129 different individuals arrested, while Cortland County protest events were less often civil disobedience efforts. Police arrested just 29 different Cortland individuals. Perfectly reliable attendance figures for protest events are impossible to attain, however when the local press coverage did estimate attendance the average attendance at protest events in Allegany County was 155 people compared to 49 people in Cortland. Cortland activists devoted most of their resources into disseminating information and hosting speakers at public meetings, creating technical reports that challenged the site selection, lobbying, and issuing legal challenges. Activists in both counties recognized what they consider the different "tone" and "strategy" of activism in the two counties during interviews. The only other academic coverage of these two cases also notes this difference (O'Gorman 1997).

PART II: INSUFFICIENT DISTINCTION AMONG COMMON EXPLANATORY VARIABLES

he similarities between these two cases are as interesting as the differences. The "usual Tsuspects" that social movement scholars use to explain different forms of contention all fall short of sufficiency because Allegany and Cortland County share nearly identical measures on: 1.) demographic variables such as population, race, and income; 2.) political variables such as the party of locally elected representatives and the structure of local government; 3.) social capital variables such as the number and type of civic organizations, the protest experience of activists and the role of key community groups in this struggle; 4.) and a variable designed identify the way the issue was framed in each county.

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⁵ Significance tests comparing two proportions reveal that the comparisons of protest events and conventional events are both significant at the .05 level, with *p* values of .0146 and .0307 respectively. However these tests do not conform to the rule of thumb that populations be at least 10 times as large as the samples. Furthermore, these events were not randomly selected, but conform to a specific time period that should produce the highest frequency and contentious intensity of events. The time period is marked by the announcement of the candidate sites on a short list and the New York State Governor's order halting further work on the sites. All of these figures in this section are based on textual analysis of local press coverage in the *Cortland Standard* and *Olean Times Herald*.

⁶ For example, a county legislator that was very involved in the Cortland opposition said that Allegany County activists "really just weren't that involved" in the lobbying and legal challenges. A Cortland Lawyer said that Allegany was "almost totally devoted to the civil unrest angle" (Tupper 2002; Snyder 2002). Allegany activist and author Tom Peterson has stated that "there's no question that there was a lot more civil disobedience that went on in Allegany county" than Cortland County (Peterson 2002a).

⁷ O'Gorman used both of these cases as examples of local environmental movements that moved beyond the "not-in-my-backyard" response to undesirable land uses to a broader environmental concern. Although he used the two counties as similar cases, he also noted what he called Allegany's "confronting" response and the Cortland "coordinating" response.

"Repertoires of Contention": Demographic Variables and Activist Experience

The difference in the form of contention employed by these two highly active communities fits squarely into the literature on repertoires of contention developed by Tilly (Tilly 1978). He uses the term "repertoire" to identify a "set of routines" culturally limited by time and place that shape the contentious response of a group of people (Tilly 1995, 26). The most obvious explanation for the difference between Allegany and Cortland is that these communities were not working from the same repertoire of contention. But both of these episodes of contention share identical life spans. Activists in both communities were making choices as to a course of action within what some have called "the social movement society" (Meyer and Tarrow 1998). This was and is an era in which actors on all points of the ideological spectrum are familiar with and even comfortable using the full range of contentious forms from petitions to protests.

However, time was only one of the determinants of repertoire constraint; place is just as significant. Yet it is hard to imagine two more demographically similar counties. The 1990 U.S. Census Data displayed in table 2, demonstrates similar numbers in race, income and employment in farming and manufacturing.

Table 2: Selected 1990 U.S. Census Information for Allegany and Cortland County

DEMOGRAPHIC STATISTIC	ALLEGANY COUNTY	CORTLAND COUNTY
Total Population	50,470	48,963
Percent White Population	98%	98%
Median Household Income	\$24,164	\$26,791
Percent of people 16 years or older	5%	4%
employed in farming, forestry or fisheries		
Percent of people 16 years or older	21%	23%
employed in manufacturing		

Still, these demographics are just aggregates. Tilly notes the importance of knowledge, memory and social connections in the population (1995, 27). What if a cadre of individuals in Allegany had significant previous experience with civil disobedience protest events? Interviews with the key people in the Allegany opposition show that they were veterans of anti-Vietnam War demonstrations; the Civil Rights Movement; and anti-nuclear protests. But interviews with Cortland activists also reveals protest experience in events such as a civil rights march in Birmingham, the freedom summer project, and anti-nuclear protests against the Seabrook power plant in New Hampshire.

Both communities also had small groups advocating violent confrontation. A mysterious group in Cortland, named "Armed Citizens of Cortland County," startled state officials with thinly veiled threats of violence at a large public hearing. Property destruction was conducted sporadically. This included crimping the propane gas line into the Siting Commission field office, as well as dumping dead fish, skunks, cow manure and fox urine inside the building (Nogas 1990; Nogas 1989). Allegany County residents were not above the use of road kill either, as they dumped a dead skunk and cow manure into the ventilation shaft of the Siting Commission's mobile information trailer. A small group in Allegany called the "Allegany Hilltop Patrol" planned but never carried out various acts of "ecotage" vandalism against heavy equipment working at the proposed sites (Lloyd October 26, 1995).

Each community's repertoire also included more conventional (and peaceful) forms of contention. Cortland devoted millions of dollars and countless person-hours to legal challenges,

lobbying trips to Albany, negotiations with state officials, letter writing efforts and petitions. A devoted group of academics and public officials in Allegany pushed for a contentious course that centered on proving to state officials that the Allegany sites were not suitable to host the waste. Though this effort ultimately took a back seat to disruptive acts in Allegany, it was nonetheless part of the repertoire. Tarrow writes that contemporary movements draw on a repertoire of contention that "offers three basic types of collective action: violence, disruption, and convention" (Tarrow 1998). Activists in both Allegany and Cortland County were faced with this full array. Allegany chose disruption and Cortland chose convention.

Political Opportunity Structure: Governing System, Party in Power, and Policing

Many social movement scholars focus on political variables, often clumped under the heading "political opportunity structures," to explain episodes of contentious politics. McAdam neatly summarizes the literature on political opportunities into four dimensions: 1) the relative openness or closure of the institutionalized political system; 2) the presence or absence of elite allies; 3) the stability or instability of elite alignments; 4) the state's capacity and propensity for repression (McAdam 1996). The openness of the political system refers to the governing structure. For example Eisinger (Eisinger 1973) found that mayor/council systems, ward systems, and partisan elections offered residents access to the political system that helped to moderate disruptive and violent forms of activism. The most comprehensive efforts to operationalize the next two facets of political opportunity structure used the party in power and the electoral margins of victory to measure the presence of elite allies and political stability (Meyer and Minkoff (Meyer and Minkoff 1997). The final facet considers the importance of different policing strategies on citizen activism (Della Porta and Reiter 1994).

Table 3 summarizes the first three facets of political opportunity structure for each county.

Table 3: Comparative Political Variables for Allegany and Cortland County

Political Variable	Allegany County	Cortland County		
Form of County Government	Council, no executive	Council, no executive		
Electoral System	Partisan	Partisan		
Council Representation	By Geographic Area	By Geographic Area		
County Revenue	\$32,378,000	\$31,255,000		
Party and Percent of Vote Won in 1988 by Representative in	Republican	Republican		
the U.S. House	96%	100%		
Number of Registered Voters	20,129	21,016		
Plurality for President in Each Election from 1972-1988	All Republican	All Republican		
Party and Percent of Vote Won in 1988 by Representative in	Republican	Republican		
the New York State Assembly	100%	100%		
Majority Party in County Government	Republican	Republican		

The two counties share identical institutional arrangements, electoral systems, and similar revenue numbers. During the siting struggle Allegany and Cortland were clearly both safe Republican districts at the state and federal level. Republican majorities governed both Allegany and Cortland County Government. It does not matter whether or not we consider the Republican dominance in governance over these two counties a favorable or unfavorable aspect of the political opportunity structure—the counties are nearly identical. None of these factors present sufficient differences between the two cases.

⁸ Information derived from the 1989-90 New York State Statistical Yearbook 16th Edition. The Nelson A. Rockefeller Institute of Government. Albany, NY.

Even if we enrich the concept of political opportunity structure to include elites that are not in elected positions, the two counties are still similar. The local daily papers covering both areas officially and publicly opposed the facility, as did the Chamber of Commerce, Grange, and several fraternal organizations in each community. In the press coverage that spanned the episode of contention there was no discernable split or instability in elite opinion—the facility seemed to be universally opposed in both communities. Both county governments issued formal proclamations of opposition to the LLRW site.

The final dimension of political opportunity structure is the capacity and ability of the state to repress contentious activity. There is no doubt that the action of the police that engage with activists affects contentious activity. Della Porta and Reiter identify several relevant variables of policing protest that include the degree of force used, the timing of police intervention, the degree of police communication with demonstrators, police adaptability, and the degree of police preparation (Della Porta and Reiter 1998). Interviews with sheriff forces in both counties reveal an impressive degree of organization in dealing with protests and a considerable degree of sympathy for the community forces opposed to the low-level radioactive waste facility. Sheriff's deputies on both forces expressed solidarity with the citizens opposing the site. Both forces scheduled meetings with community activists inclined to protest and established "rules of engagement" before potential confrontations. Both forces expressed a desire to put the "safety of the community" above all else. In practice, this often meant letting protesters "vent" and successfully thwart state workers from conducting work on the prospective sites. Both forces showed physical restraint during confrontations and sought to avoid making arrests. Activists in both counties commended the way their local sheriff handled all confrontations.

Social Capital: Civic Organizations

Tarrow argues that "contention crystallizes into a social movement when it taps embedded social networks and connective structures" (Tarrow 1998). Tarrow and other social movement scholars call such networks "mobilizing structures" (McAdam 1999; Morris 1984) but the concept is very similar to social capital. Civic organizations like clubs, churches and fraternal groups are the essential elements used to evaluate the presence, absence and amount of social connectedness in a community. Table 4 shows similar numbers of civic organizations and churches in each county. The civic organizations include fraternal lodges; sports and recreation clubs; public service groups, business, trade and labor associations; veterans organizations; postsecondary education institutions, art clubs and even bowling leagues. 10 I use other measures to assess the mobilizing structures present in each county that would be more directly linked to the low-level radioactive waste struggle. Local daily newspaper accounts reveal that activists in both communities made contact with national anti-nuclear groups fairly early in the episode of contention and had contact with such groups with similar frequency. Both Allegany and Cortland had faced prior contentious environmental siting processes and formed citizen groups in response. Once again, this demonstrates a lack of sufficiency for this element of the classical social movement agenda as it applies to the differing forms of contention.

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⁹ The final protest was exceptional in this regard. At this event NY State Police used force to wrestle mounted protesters from their horses. Because this was the final protest event, it had no effect on future events in the episode of contention studied here.

¹⁰ I used phone book listings to create an initial list of civic organizations (including churches) in each county. Next I searched the internet for local chapters of each organization listed in the back of Putnam's *Bowling Alone*. Finally, I added any organizations that the local daily newspapers listed that had not emerged from the previous searches.

Table 4: Comparative Indicators of Social Capital in Allegany and Cortland County

Indicator of Social Capital	Allegany County	Cortland County
Total Number of Civic	87	100
Organizations		
Total Number of Churches and	36	37
Religious Meeting Places		
Date of First Contact with	1/13/89	1/18/89
National Anti-Nuclear Activists ¹¹	Day 26	Day 31
Number of Public Contacts with	13	14
Outside Anti-Nuclear Activists		
Previous Siting Struggles Took	Yes	Yes
Place in the County		
Group Established to Oppose Past	Yes	Yes
Siting Efforts		

Issue Framing: The Way the Siting Struggle was Perceived by the Public

Scholars have devised various terms such as "policy image," "issue definition," and "problem definition" to describe the way public perception of a policy issue influences politics. Social movement scholars have adopted the term "framing" to identify this process (Snow *et al.* 1986). An "injustice frame" offers the best demonstration of the framing process (Gamson 1992; McAdam 1999). As Crossley summarizes, "groups or populations with a strong concern for civil rights might be prompted to partake in a new civil rights campaign, for example, simply by having the issues presented to them as civil rights issues" (Crossley 2002). Framing is also thought to influence the form of contention chosen. Many environmental justice scholars explain the civil disobedience form of contention among low-income and minority populations over pollution issues by invoking an injustice or civil rights frame (Aronson 1997; McGurty 1995; Novotny 1995).

I analyzed every letter to the editor concerning the LLRW facility in the local daily papers. I then categorized each piece thematically by the predominant message the author was expressing. 12 This compilation offers an understanding of the way in which residents expressed themselves on the issue and of the messages residents received on the issue. According to the work on environmental justice movements listed above, we might expect the dominant frame in Allegany to differ from Cortland because Allegany acted predominantly with civil disobedience protests that were reminiscent of the civil rights movement. However, the dominant frames in both communities follow the same order of frequency. The most common message complained of the lack of democratic accountability in the state siting process. The next two most common messages were those encouraging citizens to participate in the opposition effort, and those arguing that the sites were technically unsuitable to host a LLRW facility. These three dominant frames accounted for 70% of the letters to the editor in Allegany and 78% in Cortland. The fact that the letters to the editor in both communities fall into categories with the same order of frequency and account for a similarly large percentage of all letters shows that the way the issue was framed, at least in the local newspaper, is not distinct enough in the two communities to account for different forms of contention.

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¹¹ This count is measured from the point at which the county first found out it was considered for a site. This count began eight months before the county residents found themselves on a short list of candidate sites.

¹² "Predominant" was measured by total space given to the message in the letter. When no one message was predominant or the message did not fit the most common categories, the letter was placed in an unknown category.

PART III: THE PROCESS THAT MAKES THE DIFFERENCE

So where are the key differences that account for the very distinct forms of contention in these two communities? With all of the similarities outlined above, it should be no surprise that the opposition forces in each county mobilized at about the same time. Even the initial activity was the same. It all started with several public meetings and the formation of opposition groups leading up to large state-sponsored public hearings. However if we put this critical initial period under a microscope, we see some significant differences in the context and actors that grow in importance as the episode of contention evolved.

The central difference between these two cases is that the Cortland County Government coordinated opposition to the LLRW siting process with local activists, and the Allegany County Government distanced itself from local activists. These differences were clear at the onset of opposition in both counties. Elected officials worked with local activists in Cortland to organize the first meetings. Citizen activists organized the first meetings in Allegany and when elected officials organized they excluded activists from attending. Both counties pursued different trajectories of contention from these formative stages. In Cortland citizen activists and agents of the county government pursued a unified strategy of opposition that emphasized conventional strategies such as lobbying and lawsuits. In Allegany citizen activists that advocated civil disobedience actions seized upon a leadership vacuum left by the hesitant county government and gained wide spread local support for disruptive forms of protest.

Critical Differences in Opposition Formation

Cortland

During the week that Cortland residents learned they were a candidate site for the low-level radioactive waste facility, concerned citizens, the town supervisors of several rural areas, and county legislator Ted Law organized the first public meetings in Cortland County (Conlon 1989a). Those gathered at these early meetings decided to call themselves the Coalition for Safe Communities (CSC) and they prioritized the following tasks: gathering information to show the site would be a poor choice, establishing media relations, fundraising, distributing information, and compiling petitions against the facility (Conlon 1989b).

During the second week the citizen members of CSC broke away and started their own group called Citizens Against Radioactive Dumping (CARD). As one of the original CSC member said, "well what the citizens did was immediately say we're citizens, we don't trust any government whatsoever . . . those citizens just said, nobody's to be trusted . . . you're government, we're citizens" (Cote-Hopkins July 26, 2002). Several of these original CARD members are what other interviewees termed "the hippie element" in the opposition. These early activists had experience protesting against the Vietnam War, against the Seabrook Nuclear Power Plant in New Hampshire, and with Green Peace to save the whales. The early CARD membership possessed both protest experience and a distrust of government.

Two individuals served as brokers in Cortland to link the citizens, who were initially suspicious of the county government, and the conservative county legislators. When Eleanor Ritter, a Republican town supervisor, found out about the prospect of a low-level radioactive

¹³ McAdam, Tarrow and Tilly define *brokerage* as "the linking of two or more currently unconnected social sites by a unit that mediates their relations with each other and/or with yet another site" (McAdam, Tarrow, and Tilly 2001, 157).

waste dump near her township she "felt that the first thing we needed to do was, we've got to make the County accountable." According to a founding member of CSC and CARD, Ritter "didn't want this disconnect to exist between the county and the citizens" (Cote-Hopkins July 26, 2002). Ritter was disappointed with her first effort, as county legislator James O'Mara dismissed her concern (Ritter July 15, 2002). However, Ritter's second effort found a powerful ally in county legislator Ted Law. Ritter convinced Law to come to the early meetings of CSC. The citizens at these meetings urged Law to get the county government involved in opposition. Within one week Law ensured passage of a resolution opposing the LLRW facility (Conlon 1988). While CARD worked to mobilize attendance at the Siting Commission's first public hearing, the county government leant support at every turn—providing busing to the hearing, creating a task force on the issue, making information available, and directly confronting the Siting Commission with enumerated reasons the county was an unsuitable site.

Ritter continued her contact with the citizens' groups and successfully encouraged CARD to ask for the county legislature's support. CARD leaders asked that the county hire a full-time consultant to coordinate opposition. The day following the hearing the County legislators voted unanimously to hire the most prominent original citizen activist in CSC and CARD, Cindy Monaco, to a full time position heading the newly created and well funded Cortland County Low-Level Radioactive Waste Office. Shortly after Monaco was hired, the County Legislature also hired the environmental lawyer for the citizen's group, Patrick Snyder to work full time opposing the facility.

Many activists and community members were surprised at the prominent role the County legislature took in opposing the dump and recognized that the funding the opposition was an unprecedented government action. One resident, with a solid background in 1960s activism, had the following response to the hiring of full time staff to oppose the facility: "that was a great surprise, our expectation was that they were just going to roll over. They spent a lot of money, for them" (Milligan July 24, 2002). County Legislator Dick Tupper explained just how remarkable these actions were for the Cortland County Legislature: "It was pulling some teeth to get the county to put up \$50,000. . . .that's a lot in this county." Nevertheless Tupper said that once the county government decided to support the opposition "everybody was on board" (Tupper 2002).

Allegany

The early story of the Allegany opposition is very different. The citizens' group, which took the name Concerned Citizens of Allegany County (CCAC), organized without the participation of town or county officials. The Allegany County Legislature released a statement announcing that the legislature would take a position after the process of evaluating the sites unfolded (Dickenson 1988). The only government effort to organize opposition was undertaken by Allegany's New York State Assemblyman John Hasper. Hasper called a closed meeting of about thirty local officials, university professors and select citizens. When CCAC chairman Steve Myers asked to attend, he was uninvited. Hasper expressed the following concern: "The whole problem is that these groups form and people look and say are they serious or are they whackos. We don't need loose cannons" (Hasper August 30, 1995).

This fostered an already growing sense of distrust among citizens towards their elected officials. Steve Myers and his wife Betsy assumed that Hasper was trying to highjack the opposition and "make deals" behind the citizens' back. Rich Kelley, another CCAC leader, was afraid that Hasper was trying to "take control and speak for the whole county" (Peterson 2002b).

On the night of the Siting Commission hearing Betsy Myers purposefully orchestrated the occupation of seats reserved for local politicians. Her explanation marked the mood of the citizens' group: "We weren't going to roll over for politicians and authority figures. To some extent we figured that they were the enemy" (Myers August 5, 1995). Rich Kelley, Vice president of CCAC summed up the mounting disappointment and distrust of the County Government:

The lack of action by the County Legislature was a never-ending source of bewilderment to everybody. We couldn't understand why they weren't taking a more active role in opposition. I guess I probably suspected that the more prominent people were perhaps 'on the take,' perhaps had something to gain from this happening, that if they could bring this about without a big fuss, there would be political rewards (Kelley August 23, 1995).

The gulf between the citizens' group and the county government could not have been any wider. No one acted as a broker between the citizen opposition group and the county government. However a different sort of brokerage occurred in Allegany that linked the CCAC to a more radical element in the community. Gary Lloyd helped organize a group called the "hilltop patrol," a collection of avid outdoorsmen and back country woodsmen who met to commit to "protecting" the county with radical means such as "vandalism for a good cause" (Lloyd October 26, 1995). By Lloyd's account these were people "who were concerned about the dump, but weren't really interested in going the legal route with CCAC" (Lloyd October 26, 1995). At the same time Stuart Campbell was getting more and more exasperated with the conventional forms of opposition he read about in the paper. As Stuart said, "it was clear to me that people had to do civil disobedience and that CCAC was doing all this other shit that wasn't going to stop it" (Campbell October 4, 1995). As the membership of the CCAC became more disenchanted and distrustful of their local government, leader Steve Myers introduced Lloyd and Campbell to each other and gave them a forum to speak and recruit members for a civil disobedience approach at CCAC meetings. Myers' role as a broker was confirmed by Campbell, who said "Steve Myers is absolutely key to having brought Gary and me together. I think that if either one of us had done that alone, probably nothing would have come of it" (Stuart Campbell 1995, 13).

Lloyd and Campbell formed a new group called the Allegany County Non-Violent Action Group (ACNAG). The group attracted people who were disenchanted with the conventional forms of contention that CCAC was pursuing. For example "Spike" Jones, a Vietnam War veteran said that "I did not think my talents would help CCAC. There was nothing about what they were doing that even remotely appealed to me" (Jones September 17, 1995). Sally Campbell said "I was never tempted to join CCAC, because that's just not my method of operating. I don't like to sit in meetings; I'm no good at fundraisers. It's just not my style of doing things" (Campbell September 22, 1995). The original group also included a prominent CCAC leader, Jim Lucey, who would maintain contact between CCAC and ACNAG. At this point, as Stuart Campbell observed, "ACNAG was just the radical wing of CCAC." Later, CCAC would become "the legitimate wing of ACNAG," they would be "two faces of the same thing" (Stuart Campbell 1995, 13).

Different Trajectories of Contention

Cortland

The handful of citizens that split off from the town supervisors to form CARD were just as apt to select a disruptive form of contention as they were to engage in conventional means until brokerage linked them with the county government. Three members of the original group grew up in New Hampshire and cut their activist teeth on anti-Vietnam War activity and anti-nuclear protests at the Seabrook nuclear power project. They had what one activist later called a "sort of in your face, 'fuck you' approach" in their engagement with the state (Mager July 19, 2002). One county legislator called them "superactivists" and "60s radicals who hate government" (Tupper 2002). These members soon tapped into a network of other experienced activists, each of whom had lengthy civil disobedience arrest records at military bases and other protest sites.

However County involvement with CARD gave the group widespread legitimacy in the eyes of all county residents and put the group on a different trajectory. Meetings were soon altered from informal gatherings at members' houses to formal "Robert's Rules of Order" type meetings with hundreds of residents gathered in public buildings. The original "hippie element" was soon dwarfed by retirees, business people, and professionals. The new, larger membership adopted by-laws, elected new leadership and consciously coordinated their action with the county. The group moved into a storefront office in downtown Cortland, purchased a new computer and organized full-time staff. When the county hired a CARD leader to serve as a full-time coordinator of opposition, the legislators did not choose one of the seasoned activists. Instead they selected Cindy Monaco, a scientist with advanced degrees in both mathematics and environmental science. Dick Tupper, the Cortland County Legislative Chair, said that the legislature hired Monaco because her approach "was based on mathematics and science and it was not promotion. It was factual" (Tupper as quoted in O'Gorman 1997, 314).

Monaco became the public voice of the opposition in Cortland County. Her scientific approach favored conventional forms of contentious politics, which rested well within the county government's certified parameters of action. Tupper described the county's preferred strategy in the following way: "The best response we could have was the governmental approach which is the calm, well financed, political process . . . where we used Albany. We took advantage of Albany and Washington and we used politics and our finances" (Tupper 2002). Legislator Ted Law favored the constrained and conventional opposition and thought that Cindy fit right into this sort of opposition. He said that Monaco "wanted to fight it [the facility], but you know not disruptively" (Law 2002). Monaco herself felt that "if you were viewed [in Albany] as one of the groups out there screaming and carrying on" the state would just "blow you off" (O'Gorman 322).

The publisher of the local paper described Monaco as a kind of "bridge" or "connector" between citizens and local government (Howe July 19, 2002). When Monaco took the position with the county she continued to attend the CARD meetings. Monaco would attend all the sessions of the county legislature as well. County Legislative Chair Dick Tupper also went to CARD meetings regularly. He stated that the county and CARD would correspond and coordinate activities sometimes on a daily basis (Tupper 2002). The citizens group and the county sponsored opposition became so close that CARD members volunteered at both the

CARD office and the County Low-Level Radioactive Waste Office (Bonawitz and Bonawitz July 12, 2002).

CARD co-chair Paul Yaman and founding members Gary and Patti Michael each identified the moment at which CARD decided to closely align itself with the county and follow Monaco's leadership. In the lead up to a highly anticipated meeting with New York State Governor Mario Cuomo on the issue, a now small faction of CARD wanted to take a confrontational approach and stage a demonstration at the meeting. But in the end, Yaman recounts, CARD "finally agreed to ally ourselves with Cindy [Monaco], and in turn the local government, at that meeting." The CARD representatives took "the county's approach. . .which was, you know, point out all these fallacies and really bring that into the light" (Yaman 2002). The conventional approach sought to lobby Cuomo and negotiate a halt to the siting process. For the original CARD members, like the Michaels, "it was the activists themselves who got the meetings with Cuomo, but then Monaco, politicians and that group took over." They saw Monaco trying "very hard to influence group strategy" through "sympathetic leadership in CARD" (Michael and Michael 2002). From that point Yaman says, the majority of CARD decided "alright we're gonna follow the county line" (Yaman 2002). The forces advocating convention won the intra-group competition over the form of contention. The opposition in Cortland would directly engage the state with lobbying and lawsuits supported by massive information gathering and education efforts.

The Cortland opposition lobbied Governor Cuomo, the New York Assembly and Senate, and representatives in the U.S. Senate and House of Representatives intensively. Lobbyists from both CARD and the county government successfully arranged an audit of the New York State Low-Level Radioactive Waste Siting Commission by the U.S. Congressional Budget Office; budget cuts for the Siting Commission, a state-sponsored National Academy of Sciences review of the siting process, a resolution opposing the siting process by the New York State Association of County Governments, and a new law governing the siting process that effectively halted the process. Cortland County made successful legal challenges to obtain technical information from the Siting Commission, force open meetings, mandate advance land owner notification of Siting Commission activity, and declare the federal law forcing states to construct low-level radioactive waste facilities unconstitutional. Throughout the course of the struggle the County hired two more CARD leaders to coordinate opposition, an Albany lobbyist, Cornell University botanists, geologists and hydrologists, and the premier environmental law firm in the United States. The County expenditures exceeded one million dollars and they successfully lobbied for reimbursement and on-going funding in the New York State budget.

Some Cortland activists did attempt to organize more disruptive actions such as civil disobedience. But this was a small group of activists that had lost the internal competition over which form of contention to employ. As the episode of contention progressed, this group got smaller and smaller until a handful of radicals were getting arrested and re-arrested at very small protest events. Less than 10 people attended the last four protest events. ¹⁴

¹⁴ Interviews with participants of Cortland protest events reveal a common sense of disillusionment. As one participant said "there were so few people there. . . it wasn't much of anything" (Atkins 2002). Police video footage and participant interviews reveal that the largest protest events were disorganized and spontaneous. One participant expressed frustration with the event, stating that he was willing to be arrested "if it were truly, you know, a sit down, but this is bullshit" (Mullins 2002).

Allegany

Activists in Allegany County never benefited from local government support. The Allegany County Legislature did ultimately adopt a resolution opposing the facility, but they did so five weeks after the citizens first learned their land was considered a candidate site (Dickenson 1989b). The CCAC leadership asked the County Legislature repeatedly to commit money and personnel to the struggle (Dickenson 1989d). The County Attorney, responded to such requests by stating that the County "is not a vehicle for organizing opposition on any matter" (Dickenson 1989c). After Cortland County hired full time employees to oppose the facility, Allegany residents asked their County legislature to do the same. Allegany County refused to follow Cortland's lead and to the extent that they worked on the issue, the work went through the office of an administrative assistant with a budget of \$5000 (Dickenson 1989a).

ACNAG founding member Tom Peterson explained that there was "a political vacuum in the county," a lack of governmental leadership (in Beckhorn 1995). The ACNAG founders wanted to provide leadership that would inspire community-wide action. The early ACNAG leaders, like Campbell believed that the "people wanted to be led. They wanted a focus." Campbell knew that Allegany residents were upset about the siting proposal and disappointed in their elected representatives. Jim Lucey called this the potential for wide-spread activism a "redneck ripple" of people primed to resist the state (Lucey August 17, 1995).

Notes from the first meetings show that ACNAG wanted to recruit 100 people that were willing to be arrested (Franklin 1989-1990). Spike Jones, a very charismatic former Army recruiter, went to each local CCAC group to talk about civil disobedience. Stuart Campbell obtained a map of the three candidate sites in Allegany County which enabled him "to be like Paul Revere." Campbell went door to door informing people about the state's plans for the location of LLRW site (Stuart Campbell 1995, 16). ACNAG had 100 total members and 70 people willing to be arrested within a little over a month of the group's inception.

The pressure and the responsibility that ACNAG leaders felt due to the lack of local government leadership led to a highly centralized leadership structure. ACNAG leaders frequently used the word "militaristic" to describe their organization and tactical efforts. ACNAG operated with an "inner-circle" of five leaders that met to establish strategy and then presented their decisions to a larger group for approval. The coordinator of the ACNAG phone tree explained the group organization:

ACNAG really had a core group that met in Gary's basement and then a larger group that met in Kanakadea Hall. We'd have the larger group to explain what we came with. The larger group would also set broad policies. The smaller group would often be more involved in logistics and tactics. The leap of faith that the larger group had always amazed me. . . . people would just say, 'ya. Let's do it.' And they'd do it. And it always worked" (Zaccagni October 7, 1995).

This style of leadership worked, as Campbell mentioned: "Those people [ACNAG members] were looking for things to do and ultimately all I had to say was 'Let's do this,' and if it made sense, they did it" (Stuart Campbell 1995, 14).

The "inner-circle" of ACNAG planned protest events with excruciating detail. Members courted media attention, ensured large turn-outs and orchestrated events with attention to every detail. For example, at the first event ACNAG members planned to surround the Siting

Commission's vehicle as it arrived to meet with local officials. Meeting records reveal that one person was to wait at the airport and herald the commission's arrival, large men were designated as "door men" to block all doors of the car, another person was charged with placing wedges underneath the tires, and someone had the responsibility of bringing an empty mayonnaise jar in case anyone in the car had to urinate during the stand-off (Franklin 1989-1990, 2). Most importantly, the group had a designated spokesman and a clear distinction between members that would face arrest and those that would act as a support staff. ACNAG carried out the event exactly as planned. The sheriff arrested forty-eight people for surrounding the car.

The Allegany County Legislature had been patiently convening in their chambers as they waited to meet with the Siting Commission. The legislators made absolutely no mention of the protest that was obviously escalating outside. They were probably the only people consciously avoiding the action. County office workers were leaning out of their windows, chanting, pumping their fists, and draping make-shift banners of support (Coch November 1, 1995). An overwhelming sense of empowerment swept through the crowd. The support of the county office workers made a big impression on Stuart Campbell: "Workers in the courthouse actually hung out signs! Then I knew we'd scored. I knew that we had turned a corner." As he saw it, the people of Allegany County were "looking for ways to act" and ACNAG was "proving that we could act." From this moment civil disobedience became the predominant form of contention employed by the Allegany opposition (Stuart Campbell 1995, 40).

Gary Lloyd saw the effect of this early success on mobilization for even greater support:

An example was set; it was put in the paper; and all of a sudden, people, some of them anyway, thought, 'Holy Cow! Maybe we don't have to let this dump come in.' Then there was a geometric growth and it started spreading. The word spread and people said, 'Maybe we can do something' (Lloyd 1995, 10).

New members that committed to ACNAG and civil disobedience saw this first protest as a significant event. One woman said that at the first event "I hadn't decided whether or not I wanted to be arrested at that point," but "after that I knew I was willing to be arrested. . . . Belmont changed me" (Zaggagni 1995, 15). A senior citizen that joined ACNAG said that he was "influenced by the momentum that the group had gained," and his "admiration for the tactics, not only that they were nonviolent, but that they were highly creative and brave—and successful" (Warren May 31, 1996). Early CCAC leader, Fleurette Pellitier said the membership in ACNAG was growing "because it was glitzy. There was a groundswell and people just went along with it. [It was] a fun thing" (Pelletier June 10, 1995).

ACNAG continued their impressive level of organization in subsequent protests. The next several events were on the land that was sited for the facility. There were three such sites spread out across the county and some of them were in remote locations. ACNAG posted a 24 hour vigil on a hilltop to watch for activity at the sites. They also invested a considerable amount of money on state-of-the art CB radio equipment with base and mobile units, antennas, and hundreds of feet of cable. State troopers testified that "If the protesters continue to react as they have to date, it would be impossible for the State Police to protect the Siting Commission's

¹⁵ Video footage of the protests displays highly organized and routinized procedures. At each roadblock the police and state officials confront a tightly grouped mass of people with linked arms. One spokesman for the group calmly explains that these people are willing to be arrested and they will not allow the state officials on the land. The arrests were time consuming, with the protesters yielding only one at a time.

representatives without becoming, in effect, an occupying army in Allegany County." (Peterson 2002b, 173).

Over all the events 129 different people were arrested. At the final event 500 people stood ready to be arrested. In each case the Siting Commission stopped their attempts to gain access to the land. The range of the people in the community arrested was even more impressive than then numbers. The Deputy Sheriff recalled his amazement when he started to look at the faces of the people linking arms around the state officials: "I can't believe this. Did you see who was on the line out there? You've got everybody here. You've got teachers; you've got college professors; you've got doctors. Everybody's here" (Timberlake 1995, 29).

The members of this normally conservative community felt let down by their elected representatives. Rather than people being citizens of a county following the leadership of their elected representatives, the people actually became the county in their acts of civil disobedience. Protesters refused to give their personal names when they were arrested. Instead each protester proudly and firmly said "I am Allegany County." As one resident remarked: "All of a sudden, we grew so huge. It's our movement and it's our story. . . . I grew, I grew to a huge person. I grew beyond what I ever thought I could do. I stood up; I never ever stood up before" (Fredrickson 1995, 8).

CONCLUSION

None of the common objective factors used to measure explanatory variables with hypothesized links to forms of contention significantly differed across these two cases. This shows that these measures of demographic characteristics, political systems and alignments, social capital, and issue framing were insufficient to explain the disruptive trajectory in Allegany and conventional course in Cortland. Jon Elster, wrote that "knowing the fine grain is intrinsically more satisfactory for the mind" (Elster 1998). A fine grained examination of these two cases reveals significant differences in the way the respective county governments handled the siting struggle. In the Cortland case the county government actively provided resources for the struggle and coordinated opposition by hiring activists full-time to work for the county. This involvement shaped the Cortland response, channeling collective resources into conventional forms of contention like lobbying and legal challenges. In the Allegany case the county government distanced itself from citizen activists and was generally slow to act. This left moderate activists disenchanted, increasing the appeal of those advocating disruptive strategies like civil disobedience. Allegany residents described what they saw as a void of leadership left by their hesitant elected representatives. Advocates of civil disobedience successfully stepped into this void and inspired the larger population to join and/or support disruptive forms of contention.

Both of these counties were successful in that they opposed the construction of a LLRW disposal site and no such site was built. Both disruptive and conventional forms of contention mostly likely contributed to this outcome. However, the significant finding from this study is that the response of the local government to siting decisions such as this can shape the response of the local community. It should be noted that government officials in both counties were wary of the way in which local activists might respond to the LLRW site proposal. Cortland officials chose to actively engage the activists and, by doing so, successfully moderated the response. Allegany chose to ignore and isolate the activists and ultimately allowed for a disruptive response while losing legitimacy themselves.

ADDENDUM

These two cases in New York are part of a larger on-going project that considers each U.S. county that was selected to be on a short list to host a LLRW site. Additional data from four such counties in North Carolina confirms the findings presented above. The cases presented in table 5 show three counties with a relatively low percentage of protest events and one, Wake County, with a relatively high percentage of protest events.

Table 5: Comparison of North Carolina Counties on the State's Short list for a LLRW Disposal Site by Type of

Collective Events Opposing LLRW Siting 16

County	Protest Events	Conventional Events	Total Collective Opposition Events	Duration in Days
Union	0% (0)	100% (25)	25	105
Rowan	5% (1)	95% (20)	21	105
Richmond	5% (6)	95% (117)	123	1,473
Wake	19% (8)	81% (34)	42	2,197

The key difference in the way county governments responded to the siting holds across these cases. In Union County, which had no protest events at all, the first collective events were organized by the Chamber of Commerce in conjunction with county government officials. The county hired a full-time environmental consultant to oppose the site. In Rowan County town and county officials organized the early opposition and created a task force to coordinate ongoing opposition. The county quickly passed legislation to bar the site construction and worked closely with a local citizen's group opposing the site. In Richmond County local government organized the first events and the county government funded the opposition effort with what they called "a blank check," hiring environmental consultants, lawyers, and a staff person to coordinate all opposition in the county. Each of these county governments took an early and active role opposing the site, and each of these counties had a very low percentage of protest events. By contrast, county officials in Wake, although officially opposed to the siting proposal, were slow to act and did not contribute funds or personnel to the siting struggle. Local press accounts criticize the county government for failing to act aggressively in opposition. Local opposition was led by citizen groups without close ties to the local government. These activist did not mount many collective events, but a large percentage of the events they did organize were protests.

¹⁶ The duration spans from the point at which the short list was announced to the effective end of the siting process in each county. The counts for these proportions are not high enough to evaluate with significance tests Furthermore, these events were not randomly selected, but conform to a specific time period that should produce the highest frequency and contentious intensity of events. All of these figures in this section are based on textual analysis of local press coverage in the closest daily paper to each county.

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